

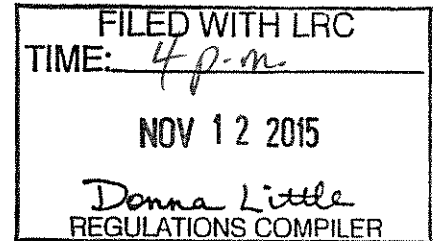
## **301 KAR 2:122**

### **Seasons, methods, and limits for small game**

This administrative regulation establishes statewide seasons, bag limits, and methods of take for small game.

### **Significant Changes**

This amendment expands the methods of take for small game by authorizing the use of handguns.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:122. Seasons, methods, and limits for small game.

5 RELATES TO: KRS 150.340, 150.360, 150.370, 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

8 to promulgate administrative regulations to establish seasons for the taking of wildlife, to

9 regulate bag limits and methods of take, and to make these requirements apply to a limited area.

10 This administrative regulation establishes seasons, bag limits, and methods of take for small

11 game.

12 Section 1. Definitions. (1) "Eastern Zone" means the third through the ninth wildlife districts as

13 established in 301 KAR 4:010.

14 (2) "Grouse Zone" means the area consisting of Adair, Bath, Bell, Boyd, Bracken, Breathitt,

15 Campbell, Carter, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard,

16 Greenup, Harlan, Harrison, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie,

17 Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Montgomery,

18 Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle,

19 Rowan, Russell, Wayne, Whitley, and Wolfe Counties.

20 (3) "Modern gun deer season" means the season as established in [by] 301 KAR 2:172.

21 (4) "Rabbit" means an eastern cottontail rabbit, swamp rabbit, or Appalachian cottontail rabbit.

- 1 (5) "Small game" means squirrels, rabbits, northern bobwhite or ruffed grouse.
- 2 (6) "Squirrel" means a gray squirrel or fox squirrel.
- 3 (7) "Western Zone" means the first and second wildlife districts as established in 301 KAR
- 4 4:010.
- 5 Section 2. Methods of Harvest for Small Game. (1) A person shall use any of the following to
- 6 take small game:
- 7 (a) Rimfire gun or rimfire handgun;
- 8 (b) Shotguns no larger than 10-gauge;
- 9 (c) Muzzle-loading gun;
- 10 (d) .410-gauge [~~.22~~-caliber] handgun;
- 11 (e) Bow and arrow;
- 12 (f) Crossbow;
- 13 (g) The following caliber air-guns with pellets:
- 14 1. .177;
- 15 2. .20;
- 16 3. .22; or
- 17 4. .25;
- 18 (h) Dogs;
- 19 (i) Falconry, pursuant to 301 KAR 2:195; or
- 20 (j) Trapping, pursuant to Section 5 of this administrative regulation, for:
- 21 1. Rabbits; or
- 22 2. Squirrel.
- 23 (2) A person shall not use the following to take small game:

(a) A shotgun shell containing a shot size larger than number two (2); or

(b) Single projectile shotgun ammunition.

Section 3. Small Game Hunting Seasons. (1) Except as established [~~specified~~] in 301 KAR 2:049

[~~or 2:125~~], a person shall not take small game except during the dates specified in this section.

(2) Small game taken by falconry: September 1 through March 30.

(3) Squirrel:

(a) The third Saturday in May through the third Friday in June; and

(b) The third Saturday in August through the last day of February, except the season shall be closed during the first two (2) days of modern gun deer season.

(4) Rabbit and northern bobwhite:

(a) Western Zone: the third day of modern gun deer season through February 10.

(b) Eastern Zone: November 1 until January 31, except the season shall be closed during the first two (2) days of modern gun deer season.

(5) Ruffed Grouse: November 1 through the last day of February in the Grouse Zone, except the season shall be closed during the first two (2) days of modern gun deer season.

(6) There shall not be a closed season for chasing rabbits during daylight hours for sport and not to kill.

(7) Free youth week. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may take small game without a hunting or trapping license, but shall be in compliance with all other statewide requirements.

Section 4. Limits and Other Requirements. (1) The small game possession limits shall be twice the daily bag limits.

(2) Daily bag limits:

- 1 (a) Squirrel: six (6);
  - 2 (b) Rabbit: four (4);
  - 3 (c) Northern bobwhite: eight (8); and
  - 4 (d) Ruffed grouse: four (4).
- 5 (3) A falconer hunting outside any of the dates specified in Section 3(2) through (4) of this
- 6 administrative regulation shall not take more than two (2) small game animals per day.
- 7 (4) A person shall hunt small game during daylight hours only.
- 8 Section 5. Trapping for Squirrel and Rabbit. A person trapping for squirrel or rabbit shall:
- 9 (1) Comply with the requirements established in [øf] 301 KAR 2:251;[.]
- 10 (2) Only trap when the small game hunting season and trapping season overlap;
- 11 (3) Possess a trapping license;
- 12 (4) Comply with daily bag and possession limits pursuant to Section 4 of this administrative
- 13 regulation; and
- 14 (5) Harvest squirrel and rabbits upon capture, except for a person possessing a valid captive
- 15 wildlife permit, pursuant to 301 KAR 2:081 [~~and 3:022~~].

Approved by the Fish and Wildlife Commission



Gregory K. Johnson, Commissioner  
Department of Fish and Wildlife Resources



Robert H. Stewart, Secretary  
Tourism, Arts and Heritage Cabinet

11/9/15

Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held December 21, 2015, at 11 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by close of business January 4, 2016.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack  
Department of Fish and Wildlife Resources  
Arnold L. Mitchell Building  
#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
(502) 564-3400 FAX (502) 564-9136  
Email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:122

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes statewide seasons, bag limits, and methods of take for small game.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly conserve and manage small game species in Kentucky and provide ample recreational hunting opportunity to small game hunters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the administration of the statute by establishing small game hunting seasons, limiting take and possession of small game, and restricting the methods of take in order to conserve small game species, while providing reasonable hunting opportunity.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment expands the methods of take for small game by authorizing the use of handguns.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to authorize the use of rimfire and .410-gauge handguns.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those people wishing to use handguns to hunt small game species in the Commonwealth may be affected. There are approximately 200,000 small game hunters in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Small game hunters will be authorized to use rimfire and .410-gauge handguns to harvest small game.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost associated with the implementation of this amended regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Small game hunters who wish to use handguns will benefit.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost for the Kentucky Department of Fish and Wildlife Resources to administer initially.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees were established, and no fees were increased.

(9) TIERING: Is tiering applied? Tiering was not used because all hunters in Kentucky will need to comply equally.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:122

Contact Person: Rose Mack

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate future revenue for the state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be additional costs to implement this administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be not be additional costs to implement this administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: